

Land and conflict in Sudan

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A farmer works next to a destroyed anti-aircraft gun in Yei, 2004.

Source: Reuters/Antony Njuguna

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Sudan's conflicts have many causes, but at the root of each conflict are questions over the control and distribution of resources. The most important resource is land: whether exploited for agriculture, cattle-herding or subterranean resources such as oil or water, land ownership is the key to wealth and power.

The politicization of land ownership dates back to Sudan's division by colonial administrators in 1923 into tribal homelands (*diar*, singular *dar*). These *diar* are clearly visible in contemporary maps and demonstrate the link between tribal identity and geography that continues today. Within each *dar* are a number of *hawakeer* (singular *hakura*), the lands of a particular clan or tribal group. The strong relationship between a tribe and its homeland, in which leadership is traditionally restricted to the original landlords, has allowed the major tribes to use and monopolize the natural resources within their *dar* and to deny minor tribes any claim to rights or ownership which would allow them to exercise political or administrative power. The colonial administrators reinforced this by considering the paramount tribal chief (*nazir*) as their appointee, entrusting him with legal, administrative and financial authority, expecting him to maintain law and order and the territorial and demographic integrity of his *dar*, and authorizing him to allocate *hawakeer* as he saw fit. This provided a clear and structured hierarchical mechanism for addressing land disputes, but did not always stop groups from attempting to claim *hawakeer* by force.

Conflicts over land were further politicized by the 1970 Unregistered Lands Act. The legislation proved more repressive than colonial laws, entitling the government to use force in safeguarding "its" land and encouraging the accumulation of land by a minority of rich investors (both local and foreign). This alienated agro-pastoralists from their traditional homelands, denied any formal legitimacy or juridical status to traditional property rights, and implied the cancellation of all rights – and income – relating to water, land and grazing by pastoralists.

The 1970 Act also enabled the government to implement a development policy based on the expansion of the agricultural sector, especially mechanized farming, and by 2005 the total area under mechanized farming had increased fifteenfold. In addition, vast tracts of land have been allotted to private capital investments since the 1990 Investment Act, substantially cutting rural communities' rights to land and dislocating people from their homeland. The displacement caused by mechanized farming remains a major source of grievance and conflict, reinforcing feelings of neglect, marginalization and social repression, as well as sealing off nomadic routes, water points and pastures, fostering a culture of land-grabbing and creating large landless groups who are forced to work as precarious wage labourers or to migrate to

urban centres. In addition, the oil industry has fuelled scarcity and marginalization.

The promulgation of the 1970 Act was virtually concurrent with the abolition of the system of native administration, which had acted as an important institution for regulating land and managing the inevitable conflicts between those with *diar* and *hawakeer* and those without one or both. The system has since been reinstated but has been significantly weakened and lacks credibility.

At the same time a period of severe drought led to large-scale environmental degradation, population displacement and urbanization. In Darfur, the areas of the Fur, Birgid, Berti and Daju tribes then became targets for waves of displaced groups from Northern Darfur, especially the Zaghawa and various camel pastoralists of so-called Arab origin whose traditional grazing lands had suffered. In this already chaotic situation, the famine of 1983-84 was devastating. It precipitated widespread conflict that increasingly took on an ethnic dimension as each group emphasized its culture and supposed ethnicity to justify its rights over land.

The 'newcomers' subsequently justified their frequent incursions into tribal lands in terms of their rights as Sudanese citizens, backed up by the modern state's support for concepts such as freedom of movement and settlement, equality of civic rights and obligations before the law and, especially since 1990, Islamic understandings of the public utility of land 'owned by God.' For the southern Sudanese on the other hand, land is traditionally a community resource, and southerners fought to resist the north's policy of government ownership. Ironically, since 2005 this policy has since been replicated by the Government of Southern Sudan.

The conflict in Darfur has been further politicized by social services (eg markets, schools and health centres) being allocated not in accordance with traditional *hawakeer* boundaries, meaning access to them can be restricted by those who own the *hakura* in which they are situated. This has led to conflict between the Midoub and Berti in Northern Darfur and the Beni Halba and Fur in Southern Darfur.

The modern state has also clashed with the traditional system by altering the balance of power. An example of this change can be seen in Darfur between the Massaleit and some 'Arab' tribes. Historically, the Massaleit *dar* was also home to a number of 'Arab' groups. These clans were welcomed into the *dar* and were early on given *hawakeer* by the Massaleit sultan; they enjoyed the degree of autonomy to which the *hakura* entitled them but remained subordinate to the sultan. However, in 1995, without consultation with the native administrators, the government of West Darfur State

divided Dar Massaleit into emirates for the Arab tribes, giving the Massaleit thirteen of the sultanate's nineteen districts. As the title of Emir is given in Darfur only to the sultan's son, this was seen as an attempt by the government to equate the newer 'Arab' groups with the ancient Massaleit landowners that would lead eventually to the granting of 'Arab' chiefdoms in Dar Massaleit.

The story of the Massaleit in eastern Sudan also demonstrates this clash between the traditional and modern political realities. When Massaleit emigrants resident in al-Qadarif in eastern Sudan won two parliamentary seats in the 1986 elections, their request for a *nazirate* in that state was turned down by the local Shukriyya *nazir* in consultation with the Massaleit sultan from Western Darfur. The Massaleit sultan considered his *dar* to be one demographic entity regardless of geographical contiguity, led by one hereditary sultan and not influenced by the political process.

Also in eastern Sudan, a new level of native administration was created for the Rashaida, a group that began arriving from the Arabian Peninsula in 1874. This gives them administrative power without land ownership. In Blue Nile State on the other hand, a new *nazir* status was created for the Fellata, originally from West Africa, who in the 1990s, with the sympathy of the governor, fought the indigenous Funj and Hamag for a *nazirate* of their own. In both these cases, however, results favourable to the government in Khartoum overruled.

In the Nuba Mountains, the continuous alienation of Nuba lands and their appropriation by outside investors has been one of the key motivating factors for the Nuba to join the Sudan People's Liberation Movement/Army (SPLM/A). The main political movement (the Nuba Mountains General Union, established in 1965) stated as one of its main objectives the "implementation of a land reform policy for the benefit of the indigenous farmers of the Nuba Mountains and [the] eradication [of] the feudalistic land policies and relations of production from all forms of exploitation." The scarcity of land is also a result of the population movements, both from mechanized farming and from the war involving southern tribal militias, and is a prominent feature of the Beja insurgency in eastern Sudan that has chosen the Gash River as a regional emblem.

The Darfur conflict is now much more complicated, with competing claims for central government power and wealth. But many of the fertile areas of the Fur and Massaleit homelands are now occupied by other groups and it is clear that whether the issue is resources above the land or those below the surface, land remains central to the questions of wealth and power which dominate Sudanese politics.